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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,236	09/20/2001	Bulent M. Basol	042496/0269299 NT-209(U)	5866
20995	7590	07/24/2006	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			ZHENG, LOIS L	
			ART UNIT	PAPER NUMBER
			1742	

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/960,236

Applicant(s)

BASOL ET AL.

Examiner

Lois Zheng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18, 20, 33, 41 and 43 is/are allowed.
- 6) ☒ Claim(s) 1-17, 19, 21-32, 36-40, 42 and 44-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Claims 1, 22, 24 and 36 are amended in view of the amendment filed 10 May 2006. Therefore, claims 1-33 and 36-52 are currently under examination.

Note, in Fig. 14, numeral 50 should be changed to 500.

Status of Previous Rejection

2. The rejection of claim 22 under 35 U.S.C. 112, second paragraph, is withdrawn in view of the amendment filed 10 May 2006.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-3, 6-9, 13-15, 21-24, 27-28, 31-32 and 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emesh et al. US 2002/0108861 A1(Emesh) in view of Uzoh US 6,066,030(Uzoh'030).

The teachings of Emesh in view of Uzoh'030 are discussed in paragraph 7 of the previous Non-Final Office Action mailed 4 January 2006. The rejection grounds for the instant claims 1-3, 6-9, 13-15, 21-24, 27-28, 31-32 and 51-52 are maintained for the same reasons as stated in paragraph 7 of the previous Non-Final Office Action.

Regarding the amended feature as of "electrode disposed below the pad, wherein the electrode is adapted to receive an electrical potential", Emesh teaches the claimed electrode disposed below the pad((Fig. 4 numeral 50, paragraph [0045]).

5. Claims 4-5, 10-12, 17, 19, 36-40, 42 and 44-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emesh in view of Uzoh'030, and further in view of Uzoh et al. US 6,261,426 B1(Uzoh'426).

The teachings of Emesh in view of Uzoh'030 and Uzoh'426 are discussed in paragraph 8 of the previous Non-Final Office Action mailed 4 January 2006. The rejection grounds for the instant claims 4-5, 10-12, 17, 19, 36-40, 42 and 44-49 are maintained for the same reasons as stated in paragraph 8 of the previous Non-Final Office Action.

Regarding the amended feature as of "electrode disposed below the pad, wherein the electrode is adapted to receive an electrical potential", Emesh teaches the claimed electrode disposed below the pad((Fig. 4 numeral 50, paragraph [0045]).

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Emesh in view of Uzoh'030, and further in view of Basol et al. US 2002/0134748 A1(Basol).

The teachings of Emesh in view of Uzoh'030 are discussed in paragraph 7 of the previous Non-Final Office Action mailed 4 January 2006. The rejection ground for the instant claim 16 is maintained for the same reasons as stated in paragraph 9 of the previous Non-Final Office Action.

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Emesh in view of Uzoh'030, and further in view of Uzoh et al. US 6,612,915(Uzoh'915).

The teachings of Emesh in view of Uzoh'030 are discussed in paragraph 7 of the previous Non-Final Office Action mailed 4 January 2006. The rejection ground for the

instant claim 25 is maintained for the same reasons as stated in paragraph 10 of the previous Non-Final Office Action.

8. Claims 26 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emesh in view of Uzoh'030 and Uzoh'915, and further in view of Basol.

The teachings of Emesh in view of Uzoh'030 and Uzoh'915 are discussed in paragraph 10 of the previous Non-Final Office Action mailed 4 January 2006. The rejection grounds for the instant claims 26 and 29-30 are maintained for the same reasons as stated in paragraph 11 of the previous Non-Final Office Action.

9. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Emesh in view of Uzoh'030 and Uzoh'426, and further in view of Basol.

The teachings of Emesh in view of Uzoh'030 and Uzoh'426 are discussed in paragraph 8 of the previous Non-Final Office Action mailed 4 January 2006. The rejection ground for the instant claim 50 is maintained for the same reasons as stated in paragraph 12 of the previous Non-Final Office Action.

Allowable Subject Matter

10. Claims 18, 20, 33, 41 and 43 are allowed.

Response to Arguments

11. Applicant's arguments filed 10 May 2006 have been considered but are not persuasive.

In the remarks, applicant argues that Emesh and Uzoh'030 are not combinable since Emesh and Uzoh'030 are directed to controlling different fluids and have different considerations.

The examiner respectfully disagrees. Emesh and Uzoh'030 are both directed towards electrochemical polishing apparatus. The surfaces of the polishing pads of Emesh and Uzoh'030 both comprise channels/grooves/gaps for the distribution of electrochemical polishing fluids/slurry. In addition, it is well known in the electrochemical polishing art that the polishing solution or electrolyte may or may not contain abrasive particles as evidenced by Chen et al. US 2002/0130049 A1 or by Moore US 7,074,113 B1. It is also well known in the electrochemical polishing art that the polishing slurry is electrolyte containing abrasive particles as evidenced by Uzoh et al. US 5,807,165. Furthermore, Uzoh'030 clearly teaches the advantages of distribution gaps/channels(i.e. to enhance distribution of slurry)(col. 3 lines 31-44). One of ordinary skill in the art would have found it obvious to have incorporated the distribution gaps/channels of Uzoh'030 into the grooves/channels of Emesh in order to benefit from the enhanced distribution of the processing fluid and with expected success.

Furthermore, the discussions of the differences in the cathode location between the apparatuses of Emesh and Uzoh'030 and single central slurry port of Uzoh vs. multiple apertures of Emesh are not persuasive since Uzoh'030 is incorporated into Emesh for its teaching of distribution gaps and there advantages. Therefore, the different cathode location and single central slurry port as taught by Uzoh do not affect the validity of the combination of the teachings of Emesh and Uzoh'030.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lois Zheng whose telephone number is (571) 272-1248. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LLZ


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